

# PATENT COOPERATION TREATY

FILE NO. 5-1205 PCT  
 ATTORNEY ASP  
 DUE DATE 5/15/04  
 DOCKETED UMG 9/23/04  
**PCT**

From the  
 INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

PERRY, Lawrence, S.  
 Fitzpatrick, Cella, Harper & Scinto  
 30 Rockefeller Plaza  
 New York NY 10112-3801  
 ETATS-UNIS D'AMERIQUE

REGISTERED LETTER

2004 APR 23 P 12:54  
 INVITATION TO CORRECT  
 DEFECTS IN THE DEMAND

(PCT Rule 60.1)

BY FAX no.: 001 - 212 218 2200

Applicant's or agent's file reference 000005.1205P	Date of mailing (day/month/year) (05-04-2004) 16.04.04 REPLY DUE within ONE MONTH from the above date of mailing. See also below.
International application No. PCT/US03/26644	International filing date (day/month/year) 27/08/2003
Applicant KYOWA HAKKO KOGYO CO. LTD. et al.	

The applicant is hereby invited within the time limit indicated above to correct the following defects which this International Preliminary Examining Authority has found in the demand for international preliminary examination:

1. ☐ It does not permit identification of the international application to which it relates (Rule 60.1(b)).
2. ☐ It does not contain the required petition (Rules 53.2(a)(i) and 53.5).
3. ☐ It does not contain the required indications concerning the agent as specified in the Annex (Rules 53.2(a)(ii) and 53.5).
4. ☐ It does not contain the required indications concerning the international application as specified in the Annex (Rules 53.2(a)(iii) and 53.6).
5. ☐ It is not submitted in the required language which is: \_\_\_\_\_ (Rule 55.1).
6. ☐ It is not made on the printed form (rule 53.1(a)).
7. ☐ It is presented as a computer print-out the particulars of which do not comply with the Administrative Instructions (Rule 53.1(a)).
8. ☒ It does not contain the required indications concerning the applicant as specified in the Annex (Rules 53.2(a)(ii), 53.4 and 60.1(a-bis)).
9. ☐ It does not contain the required signature as specified in the Annex (Rules 53.2(b), 53.8, 60.1(a-ter) and 90.4).
10. ☐ Other observations (if necessary):


Effects of the date of receipt of the corrections on the date of receipt of the demand:

- (i) If the defect noted under item 1 is corrected within the time limit indicated above, the demand will be considered to have been received on the date when the corrections are received (Rule 60.1(b)).  
 If that date is later than the expiration of 19 months from the priority date, entry into the national phase before the elected Offices will NOT be postponed until the expiration of 30 months from the priority date, but only in respect of some designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) may apply even if that date of receipt is later than the expiration of 19 months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.  
 If that date is later than the expiration of the time limit referred to in Rule 54bis.1(a), the demand shall be considered as if had not been submitted and this Authority shall so declare.
- (ii) If the defects noted under items 2 to 9 are corrected within the time limit indicated above, the demand shall be considered as if it had been received on the actual filing date (Rule 60.1(b)).

Effect of failure to correct the defects within the time limit indicated above:

In the case of defects noted under items 1 to 9, this Authority will declare that the demand is considered as if it had not been submitted.

A copy of this invitation has been sent to the International Bureau.

Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer OBERHAUSER A S Tel. (+49-89) 2399-8139
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Continuation of item 3: As to indications concerning the agent (Rules 53.2(a)(ii) and 53.5), the demand:

- a. ☐ does not properly indicate the agent's name (*specify*):
- b. ☐ does not indicate the agent's address.
- c. ☐ does not properly indicate the agent's address (*specify*):

Continuation of item 4: As to indications concerning the international application, the demand does not indicate:

- a. ☐ the international filing date.
- b. ☐ the international application number.
- c. ☐ the name of the receiving Office, where the international application number was not known to the applicant at the time the demand was filed.
- d. ☐ the title of the invention.

Continuation of item 8: As to indications concerning the applicant\* (Rules 53.2(a)(ii), 53.4 and 60.1(a-bis)), the demand:

- All the applicants/inventors listed on the Request (RO101) are not mentioned in the Demand (IPEA401). Could you please correct this deficiency?
- a. ☒ does not indicate all the applicants.
- b. ☐ does not properly indicate the applicant's name (*specify*):
- c. ☐ does not indicate the applicant's address.
- d. ☐ does not properly indicate the applicant's address (*specify*):
- e. ☐ does not indicate the applicant's nationality.
- f. ☐ does not indicate the applicant's residence.

\* Although Rule 53.2(a)(ii) requires indications concerning the applicant, or if there are several applicants, of each of them, for the purposes of Rule 53.4, if there is more than one applicant, it shall be sufficient that the required indications be provided in respect of one of them who has the right according to Rule 54.2 to make a demand (Rule 60.1(a-bis)).

Continuation of item 9: As to requirements concerning signature (Rules 53.2(b), 53.8, 60.1(a-ter) and 90.4), the demand:

- a. ☐ is not signed\* by the applicant or, if there is more than one applicant, by at least one of them.
- b. ☐ is signed by what appears to be an agent/common representative but
- ☐ the demand is not accompanied by a power of attorney appointing him.
- ☐ the power of attorney accompanying the demand is not signed by all the applicants for the elected States.

\* Although Rule 53.2(b) requires that all applicants must sign the demand (including all inventors/applicants for the designation of the United States of America), for the purposes of Rule 53.8, if there is more than one applicant, it shall be sufficient that the demand be signed by one of them (Rule 60.1(a-ter)).